United Nations A/57/630–S/2002/1302

General Assembly
Security Council

Distr.: General
27 November 2002
English
Original: Spanish

General Assembly
Fifty-seventh session
Agenda item 160
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 20 November 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith information on the events surrounding the hijacking of a Cuban aircraft on 11 November 2002 and the decision by the United States Government to release the hijackers, in flagrant violation of its obligations under bilateral agreements and international treaties (see annex).

I should be grateful if you would have this letter and its annex distributed as a document of the General Assembly, under agenda item 160, and of the Security Council.

(*Signed*) Bruno **Rodriguez Parrilla**
Ambassador
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Annex to the letter dated 20 November 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

On 11 November 2002, a Cuban AN-2 aircraft, registration No. CUC-1086, was hijacked. The plane, used for aerial spraying, was on an authorized flight from the airfield at Los Palacios to the airport of the city of Pinar del Rio.

The plane landed at the Pinar del Rio airport, where it illegally picked up a group of persons, including a minor, and flew to Cayo Hueso in Florida.

On the afternoon of 12 November, the Ministry of Foreign Affairs of the Republic of Cuba delivered to the United States Interests Section in Havana a diplomatic note expressing its most vigorous condemnation of this outrageous act of air piracy. In addition to denouncing the hijacking, the note requested the United States authorities to return the hijackers, the other illegal immigrants involved in the incident and the hijacked aircraft, which is the property of the Republic of Cuba, to Cuba immediately and to hand over any information available to the United States authorities on this incident as soon as possible.

Actions such as this one, which not only endangered the life of the persons travelling in the hijacked aircraft and the persons responsible for the hijacking but also endangered a minor, can only be carried out by unscrupulous persons who violate the most elementary norms of international air traffic safety, as well as Cuban and United States laws criminalizing aircraft hijacking as a terrorist act.

Aircraft hijacking is typified clearly as a terrorist crime in the Convention for the Suppression of the Unlawful Seizure of Aircraft of 1970, to which the United States and Cuba are parties.

It is no coincidence that the hijacking took place only days after the United States President, George W. Bush, speaking at a press conference in Washington, defended the existence of "special" immigration laws for Cubans, unlike those for illegal immigrants from other countries who, without exception, are violently expelled by the United States authorities.

Repeating the worn-out rhetoric of the past 43 years, President Bush reiterated the spurious claim that the Cuban Government prosecutes illegal emigrants returned by the Coastguard Service to justify accepting as many illegal emigrants from Cuba as possible, 90 per cent of whom arrive in the United States as a result of immigrant trafficking by pirate boats from that country.

The fact that the United States President himself defends such a criminal piece of legislation as the Cuban Adjustment Act is a powerful incentive to the commission of such serious acts as aircraft hijacking.

It is inconceivable that the United States Government should be practising a policy that encourages air piracy and aircraft hijacking, with their tragic consequences, at a time when huge efforts are being made to safeguard the national security of the United States and to protect its borders and air travel.

To explain this irrational attitude towards Cuba, we should perhaps recall that the direct authors of such grave terrorist acts as the blowing up of a Cubana airlines plane in mid-flight with 73 people on board in 1976, as well as those responsible for

other terrorist acts against Cuba, are living in Miami right now, at the height of the war on terrorism.

The Ministry of Foreign Affairs of the Republic of Cuba, in its note of 12 November, reminded the United States Government that in the immigration agreements signed between the two countries in September 1994, the two sides explicitly reaffirmed their common interest in preventing hazardous departures from Cuba that threaten human lives, while the United States pledged to discontinue the practice of granting provisional admission to Cuban migrants arriving on United States territory by irregular channels and to take effective measures to combat and prevent the use of violence by anyone attempting to reach, or having reached, the United States from Cuba through the forcible diversion of aircraft and vessels.

In the same note, Cuba reiterated its determination to continue to abide by the aforesaid immigration agreements, as it has done up to now, and requested the United States Government to stop applying the murderous, terrorist Cuban Adjustment Act and, in strict compliance with the immigration agreements signed between the two countries, to return the hijackers, the other illegal emigrants and the hijacked aircraft immediately.

Despite Cuba's justified request, the United States authorities brazenly and cynically released the hijacker of a Cuban plane and the seven people who travelled with him, some of whom had been held at the Krome detention centre in southern Florida since Monday, 15 November.

This latest demonstration of the permissive attitude of the United States authorities towards the perpetrators of illegal acts such as air piracy, which only serve to encourage the political lobbying and terrorist acts of the anti-Cuban mafia and the far right, represents a further escalation of the attacks and gross lies orchestrated by the United States Government against our country in recent weeks.

While the more than 200 Haitians who staged a desperate bid to land off the Florida coast a few weeks ago are rejected and sent back to their country, while hundreds of Mexicans die each year in the attempt to steal across the heavily patrolled border separating them from their neighbour to the north, and while the United States Government cracks down on Arabs and Muslims living in its territory, the United States authorities' acceptance of these hijackers and of other illegal Cuban emigrants arriving in the country as a result of human trafficking by pirate boats from Florida is a disgrace and a clear illustration of the double standard and irrational policy adopted by the United States Government.

This latest crime by the United States Government is simply a desperate, senseless reaction to the opposition shown by a majority of United States public opinion to its actions against Cuba and the growing international isolation of its anti-Cuban policy, as demonstrated by the General Assembly's overwhelming adoption a few days ago, by 173 votes in favour, of its eleventh consecutive resolution condemning the United States economic, financial and commercial embargo against Cuba.

Responsibility for the fact that crimes such as this hijacking are committed rests entirely with the United States Government, which maintains in force and systematically applies the murderous Cuban Adjustment Act and with its privileged, exceptional treatment of illegal Cuban emigrants encourages such emigration for propaganda purposes.

Cuba once again denounces the United States Government's lack of political will to negotiate with Cuba agreements that, as repeatedly proposed by our country, would make it possible to combat terrorism and illegal immigration.

In a protest attended by over 100,000 people in Havana on 18 November, the Cuban people demonstrated their unequivocal condemnation of this latest action against Cuba and their firm opposition to all terrorist acts, air piracy, the Cuban Adjustment Act and the embargo against Cuba.

New York, 20 November 2002